## UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

ex rel. DANIEL MONTES, JR. and
ELIZABETH H. HUDSON,

Plaintiffs-Relators,

V.

CIVIL ACTION NO. 5:16-CV-523-JKP

MAIN BUILDING

MAINTENANCE, INC., JXM,
INC., ROBERT A. XIMENES,
ELVIRA H. XIMENES, and
MARGAUX I. XIMENES,

MARGAUX I. XIMENES,

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## **JOINT MOTION FOR STATUS CONFERENCE**

#### TO THE HONORABLE COURT:

Defendants.

Defendants Main Building Maintenance, Inc. and JXM, Inc., Robert A. Ximenes and Elvira H. Ximenes, and Margaux I. Ximenes (collectively, "**Defendants**") along with Relators Daniel Montes, Jr. and Elizabeth H. Hudson (together, "**Plaintiffs**") file this Joint Motion for Status Conference. In support of this motion, the parties would respectfully show:

- 1. On October 15, 2021, the Court entered an Amended Scheduling Order (the "Scheduling Order"). ECF No. 94.
- 2. On December 21, 2021, the parties filed a joint motion to extend certain deadlines set in the Scheduling Order and for entry of an agreed second amended scheduling order (the "First Joint Motion"). ECF No. 95. The Court has not yet issued a ruling or scheduling a hearing on the First Joint Motion.

3. At the time the First Joint Motion was filed, none of the deadlines in the Scheduling Order had passed. At this juncture, however, one of the deadlines has passed and

several more are approaching:

• <u>January 4</u>: Relators' expert disclosures (expired)

• <u>February 4</u>: Defendants' expert disclosures

• <u>March 7</u>: Discovery deadline

• March 21: Daubert motion deadline

• April 21: dispositive judgment motion deadline

See ECF No. 94 ¶1, 2, 5, 7, 8.

4. Accordingly, the parties request a brief status conference as soon as practicable

to answer any concerns the Court may have about the First Joint Motion and to urge their

joint request for entry of the proposed Agreed Second Amended Scheduling Order.

5. Alternatively, should the Court grant the First Joint Motion and enter the

Agreed Second Amended Scheduling Order, the parties believe a status conference would not

be necessary.

DATED: January 28, 2022.

Respectfully submitted,

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# **CERTIFICATE OF SERVICE**

I certify that on the January 28, 2022, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system and all counsel of record will receive an electronic copy via the Court's CM/ECF system.

/s/ Caroline Newman Small

Caroline Newman Small